

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LATHERL PARKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-11-197-D
	)	
DR. TROUTT, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER**

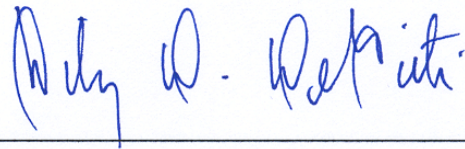
This matter is before the Court for review of the Report and Recommendation [Doc. No. 38] issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1)(B)-(C). After a thorough analysis of the issues, Judge Purcell recommends the dismissal of all claims asserted by Plaintiff against the Oklahoma Department of Corrections and individuals sued in their official capacities, due to Eleventh Amendment immunity, and that summary judgment be entered on the remaining claims asserted under 42 U.S.C. § 1983 due to Plaintiff's failure to exhaust administrative remedies, as required by 42 U.S.C. § 1997e(a). Alternatively, Judge Purcell recommends that summary judgment be granted to the individual defendants on the merits of Plaintiff's claim of deliberate indifference to serious medical needs asserted in Count II of the Complaint.

Plaintiff has not filed a timely objection to the Report nor requested additional time to object, although he was expressly advised of the right to object, the procedure and deadline for filing an objection, and the consequences of failing to object. Therefore, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d

656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 38] is ADOPTED in its entirety. Defendants' Motion to Dismiss on in the Alternative, Motion for Summary Judgment [Doc. No. 21] is GRANTED, as set forth therein. Judgment shall be entered accordingly.

IT IS SO ORDERED this 2<sup>nd</sup> day of July, 2012.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE